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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANT: William P. Apps, et al.

EXAMINER: Castellano

SERIAL NO.: 09/844,822

GROUP ART UNIT: 3727

FILED: April 26, 2001

FOR: Stackable Low Depth Bottle Case

ATTY DOCKET NO.: RPC 0572 PUS

Mail Stop AF
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

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SEP 02 2004

NOTICE OF APPEAL

TECHNOLOGY CENTER 3700

Sir:

Applicant hereby appeals from the Examiner's Final Rejection of claims 1-3, 12-16, 18-64 mailed February 25, 2004. The Commissioner is hereby authorized to charge Deposit Account No. 50-1984 in the amount of \$440 (including \$330 for the Notice of Appeal and \$110 for a one-month extension of time.)

Only a one-month extension of time should be required. In the February 25, 2004 Final Rejection, the Examiner set a variable reply period pursuant to MPEP 706.07(f). Applicant responded within two months (on Monday, April 26, 2004, which is a response within two-months, per MPEP 706.07(f)). However, the Examiner never issued an advisory action so the variable response date was never set. If the Examiner had issued an advisory action, Applicant would have had to pay for a one-month extension. Therefore, only a one-month extension of time should be required. However, if any additional fees or extensions are required, please charge them to Deposit Account No. 50-1984.

Respectfully submitted,

Konstantine J. Diamond
Registration No. 39,657
4010 East 26th Street
Los Angeles, California 90023
Telephone: (323) 262-5145
Facsimile: (323) 269-8506

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01 FC:1401 330.00 DA
02 FC:1251 110.00 DA

Dated: August 25, 2004

CERTIFICATE OF MAIL

I hereby certify that the enclosed **Notice of Appeal** is being deposited with the United States Postal Service as First Class Mail, postage prepaid, in an envelope addressed to Mail Stop AF, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on August 25, 2004.

Konstantine J. Diamond